



CITY OF MEMPHIS

COUNCIL AGENDA

April 7, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (March 17, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS

1. RESOLUTION approving a planned development located on the west side of Hacks Cross Road; +298 feet south of Players Club Parkway, containing 6.18 acres in an area currently governed by the conditions for Parcel C, Fieldstone P.D. (P.D. 05-337).

Morrison

Case No. PD 08-337

Applicant: Players Crossing Partners (Mark Johnson)
Davis Engineering (Mark Davis) – Representative

Request: Amend the conditions for Parcel C of the Fieldstone Planned Development to permit Self-Storage/Mini-warehouse

LUCB and OPD recommendation: APPROVAL, with conditions

27 NOTICES MAILED ON MARCH 20, 2009

DIVISION OF PLANNING & DEVELOPMENT

2. RESOLUTION to approve policy changes to the payment-in-lieu-of-tax (PILOT) program of the Industrial Development Board of the City of Memphis and County of Shelby (IDB). These changes address administrative and substantive procedure issues that created an unintended burden on businesses when adopted by the IDB in August, 2007. The IDB policy changes were recommended by the Memphis City Council and the Board of County Commissioners of Shelby County. A copy of the resolution adopted by the Memphis City Council on October 3, 2006, approving policy and program changes to the PILOT program is attached.

Collins

Economic development officials have documentation on companies that considered a business location or expansion in Shelby County but made the decision to locate in neighboring communities due to the costly and arduous requirements of obtaining a PILOT in Shelby County. This resolution recommends a retroactive modification to a number of the 2006/2007 amendments, outlined as Exhibit A.

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION approving a hotel/motel waiver for Quality Inn, located at 6068 Macon.

Morrison

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving a special use permit located on the southeast corner of Poplar Avenue and Lafayette Street, containing 1.70 acres in the Local Commercial (C-L) District.

Morrison

Case No. SUP 09-201

Applicants: Castle Chickasaw, LLC & 129 Chickasaw, LLC
Stanley Trezevant, III – Representative

Request: Special use permit to allow motor vehicle sales and service of
'Vespa' scooters

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

5. **ORDINANCE** to amend Chapter 5 of the Code of Ordinances so as to Prohibit the Roadside Sale of Animals, up for S E C O N D reading.

Brown

Ordinance No. 5300

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCES - SECOND READING

6. **ORDINANCE** to adopt the University District Overlay (UDO) as a Zoning Text Amendment, up for S E C O N D reading.

Morrison

Ordinance No. 5301

Case No. ZTA 08-002

ACTION REQUESTED: Adopt the ordinance on Second reading

7. **ORDINANCE** to amend the text of the Zoning Ordinance, up for S E C O N D reading.

Morrison

Ordinance No. 5302

Case No. Z08-104

Request: Amend the Official Zoning Map by adopting the proposed University District Comprehensive Rezoning and establishing the boundaries for the University District Overlay. The University Overlay includes proposed Shopfront or Urban Frontage Designation for segments of Highland, Southern, Walker, Central, Mynders, Patterson, Houston and Park

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (None)

NOTATION FROM OPD

8. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. SUP 09-202

Located on the east side of Tulane Road; +/-98 feet south of Shayne Lane, containing 0.84 acre (37,026 sq. ft.) in the Single Family Residential (R-S6) District

Applicants: Tower Ventures V, LLC
Tower Ventures V, LLC (Billy Orgel) – Representative

Request: Special use permit to allow a cell tower one-hundred sixty (160) feet in height with flush-mount antennae to be located in the rear of the church building

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 21, 2009



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MLGW FISCAL CONSENT

9. RESOLUTION awarding Contract No. 11315, Concrete Vault Installation, to Barnes and Brower, Inc. in the funded amount of \$134,446.00.
10. RESOLUTION awarding Contract No. 11322, Erosion Revetment Matting, to Chris Hill Construction Company, LLC, in the funded amount of \$28,300.00.
11. RESOLUTION approving Change No. 3 to Contract No. 10793, Professional Portfolio Software, with Advent Software, Inc. in the funded amount of \$26,402.80. (This change renews the contract for the second of four renewal terms, April 19, 2009 through April 20, 2010).
12. RESOLUTION approving Change No. 4 to Contract No. 11039, Gas Leak Survey, with Heath Consultants in the funded amount of \$522,257.00. (This change renews the contract for the fourth and final renewal term, July 1, 2009 to June 30, 2010, including a 0.2% increase in rates from the previous year and 2,000 additional miles for the mobile gas leak main survey).
13. RESOLUTION approving Change No. 3 to Contract No. 11097, Grounds and Landscaping Services, with Environmental Landscape Services in the funded amount of \$77,844.00. (This change renews the contract for the third of four renewal terms, April 5, 2009 to April 4, 2010, and includes a 3.8% I increase from the previous year).
14. RESOLUTION approving Change No. 2 to Contract No. 11164, Assessment of Polychlorinated Biphenyls Contamination, with Center for Toxicology and Environmental Health, LLC, in a funded amount not to exceed \$150,000.00. (This change renews the contract for the second of four renewal terms, April 20, 2009 through April 19, 2010, with rate adjustments).
15. RESOLUTION awarding contract for AutoCAD software upgrades and licenses to DLT Solutions, Inc. in the amount of \$208,822.59.
16. RESOLUTION giving contract authority to MLGW's Vice President and General Counsel for a claims settlement in the amount of \$135,000.00.



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REGULAR AGENDA

17.
Flinn

APPOINTMENT

CITIZEN'S LAW ENFORCEMENT REVIEW BOARD

Appointment

Charlie F. Morris, Sr.

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

18. RESOLUTION accepting grant funds in the amount of \$14,286.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title Five-Incentive Fund. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION accepting grant funds in the amount of \$32,156.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Statewide Activities Fund. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

20. RESOLUTION allocating and appropriating \$50,000.00 in Local Other Revenue from Liberty Mutual and \$6,682.00 in G.O. Bonds from the Fiscal Year 2009 CIP Budget to repair Engine 59 for the Division of Fire Services for a total appropriation of \$56,682.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

21. RESOLUTION transferring and appropriating a construction allocation of \$200,000.00, funded by G.O. Bonds from Liberty Bowl Gate/Res, CIP Number PK10018 to construction in Liberty Bowl ADA Seating, CIP Number PK10013, chargeable to the FY09 Capital Improvement Budget.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

22. RESOLUTION to receive and appropriate \$16,554.93 from the estate of Gary D. Fitzgerald to be used to purchase books and materials for the Memphis Public Library and Information Center.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

23. RESOLUTION modifying the FY2009 Capital Improvement Budget by creating Safe Route to School Frayser, project number PW04065. Resolution to accept a grant from the State of Tennessee Department of Transportation in the amount of \$258,360.00. Resolution amending the FY 2009 Capital Improvement Budget by establishing an allocation of \$258,360.00 funded by the State of Tennessee Department of Transportation for Safe Route to School Frayser, project number PW04065.

Boyd

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

24. RESOLUTION establishing a Civilian Law Enforcement Review Board Special Committee.(Held from 3/17)

Conrad

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION extending the deadline for the Family Safety Center to raise matching funds not to exceed \$750,000.00 until April 30, 2010 for the purpose of securing a previously approved city grant in the amount of \$750,000.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION encouraging residents to participate in Census 2010 promotional events and initiatives that will raise the overall awareness of the census and increase participation among all populations.

Lowery

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION committing that the City of Memphis will work to maximize the creation of American jobs and restoring economic growth by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed.

Lowery

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

28. RESOLUTION recognizing top D.O.G.S., (Dads of Great Students) an organization dedicated to focusing on the prevention of crime in our children's school.

Brown

ACTION REQUESTED: Adopt the resolution

8. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

B. Case No. PD 09-301 – VILLAGES OF BENNINGTON P.D. 5TH AMENDMENT

Generally located on the south side of Shelby Drive; +658 feet east of Riverdale Road and extending southward to Gleneagles Drive, containing 8.57 acres and is currently regulated by the approved conditions for Gleneagles Center, Villages of Bennington Planned Development (P.D. 02-332)

Applicant: NHSS, LLC (Brad Sherman)
SR Consulting, LLC – Cindy Reaves – Representative

Request: Amend the P.D. to permit self-storage/mini-warehouse facility to the Gleneagles Center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 21, 2009

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved, as amended
2. Approved
3. Dropped
4. Through 7 – Approved
8. Public Hearing set for April 21, 2009
9. Through 26 – Approved
27. Approved, as amended
28. Approved

ACTION TAKEN ON THE MINUTES OF MARCH 17, 2009

Approved